

AUBURN CITY COUNCIL MINUTES REGULAR SESSION

June 14, 2004

Closed Session 5:30 p.m.

Regular Session 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Cheryl Maki presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Kathy Sands, Mike Holmes, Mayor Cheryl Maki

Council Members Absent: Alice Dowdin (for Roll Call only)
Kevin Hanley (only during the Closed Session)

Staff Members Present: City Manager Bob Richardson
City Attorney Charles Wachob
Police Chief Nick Willick
Fire Chief Mark D'Ambrogio
Community Development Director Will Wong
Associate Planner Reg Murray

By **MOTION** adjourn to Closed Session pursuant to Government Code Section 954957: **MOTION: Maki/Sands/Absent: Dowdin, Hanley/**
Approved 3:0

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

RECONVENE to Regular Session

Mayor Maki announced that no reportable action was taken in the Closed Session.

PLEDGE OF ALLEGIANCE was led by Peter Berg.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Maki commended Peter Berg who composed the winning essay on "What the Pledge of Allegiance Means to Me".

Mayor's Proclamation: United States Army Week, June 14 – 18, 2004

AGENDA APPROVAL

Mayor Maki continued Items 18, 19 and 20 to the next Council meeting. The amended agenda was approved without objection.

CONSENT CALENDAR

1. Council Minutes

Removed by Council Member Hanley; follows Consent Calendar.

2. Grizzly Bear Range Memorandum of Understanding

By **RESOLUTION 04-73** direct the Police Chief to sign a Memorandum of Understanding between the Auburn Police Department, other state and county law enforcement agencies, and the California Department of Parks and Recreation.

3. Airport Tie-down Lease Rates

By **RESOLUTION 04-74** approve an increase in the lease rates for permanent aircraft tie-down spaces from \$35/mo. To \$40/mo. For single engine aircraft and \$40/mo to \$50/mo for twin engine aircraft and an increase in the transient aircraft tie-down rates from \$4/day to \$5/day single engine and \$5/day to \$7/day twin engine.

4. Assignment of Lease for Airport Property: Routh, Casey, Hilde to Routh

By **RESOLUTION 04-75** approve and authorize the City Manager to execute on assignment of the Lease for Airport Property between the City of Auburn and Edward C. Routh III, Dan H. Casey and Janet A. Hilde to Edward C. Routh III as an individual.

5. **Ashlock Subdivision – Notice of Acceptance**

By **RESOLUTION 04-76** accept the Ashlock Subdivision public improvements.

6. **Nevada Street at Palm Avenue Traffic Signal Project**

By **RESOLUTION 04-77** authorize the Director of Public Works to dedicate a Public Utility Easement on Nevada Street at Palm Avenue as shown on Exhibits “A” and “B” attached.

7. **Agreement for Conduct of Auburn Air Fair 2004**

By **RESOLUTION 04-78** approve and authorize the City Manager to execute the agreement between the City of Auburn and the Auburn Aviation Association for conduct of Auburn Air Fair 2004.

8. **Declare Surplus Property**

By **RESOLUTION 04-79** declare Fire Engine 1273 as surplus property and authorize the Fire Chief to sell Fire Engine 1273 as used fire equipment.

9. **Auburn Multimodal Parking Facility Addition**

By **MOTION** grant permission to advertise for the Auburn Multimodal Parking Facility Addition Project.

10. **2004/05 Sewer Assessments to be Placed on Tax Rolls**

By **RESOLUTION 04-80** authorize the 2004/05 fiscal year sewer service charges to be placed on the County of Placer Tax Roll.

11. **Nevada Street at Fulweiler Avenue Traffic Signal Project**

By **RESOLUTION 04-81** authorize the Director of Public Works to execute a contract with Clayborn Contracting Group, Inc. for the Nevada Street at Fulweiler Avenue Traffic Signal Project in the amount not to exceed \$197,491.80.

12. **Dorer Drive Drainage Project**

By **RESOLUTION 04-82** authorize the Director of Public Works to accept the storm drain easement on Dorer Drive from Norman D. Kull and Peggy L. Kull as shown on Exhibits “A” and “B” attached.

13. **Airport Lease Amendment: William W. Kirby and Rosemarie Kirby**

By **RESOLUTION 04-83** approve and authorize the City Manager to execute Amendment No. 1 to the Lease for Airport Property between the City of Auburn and William W. Kirby and Rosemarie Kirby, dated February 1, 2001.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar as amended. **MOTION: Holmes/Dowdin/Approved 5:0**

14. **Council Minutes**

By **MOTION** approve City Council Minutes of May 24, 2004 as corrected. **MOTION: Holmes/Sands/Approved by voice**

15. **Public Comment**

Council Member Dowdin asked that this meeting be adjourned in memory of President Ronald Reagan.

PUBLIC HEARING

16. **Weed Abatement Public Protest Hearing**

Fire Chief Mark D'Ambrogi said there were only seven parcels not yet in compliance. None of the owners were present.

By **RESOLUTION 04-84** authorize the Fire Chief to abate properties that have been declared as a public nuisance. **MOTION: Hanley/Holmes/ Approved 5:0**

17. **Medical Marijuana Dispensing Ordinance**

Police Chief Nick Willick told the Council that state law forbids the denial of business licenses to dispensaries but does allow for reasonable business requirements, restrictions and regulations. He said this ordinance is patterned after that of other municipalities throughout the state.

By Urgency **ORDINANCE 04-3** approve the inclusion of the Medical Marijuana Dispensaries Ordinance in the Auburn Municipal Code. **MOTION: Sands/ Holmes/Approved 5:0**

Reading by title only by City Attorney Charles Wachob.

By **RESOLUTION 04-85** approve Exhibit "A" Fee Schedule.

18. **Appeal – Civic Design Amendment – 1505 Racquet Club Drive
(Auburn Racquet Club) – File CD Amend 03-2**

Associate Planner Reg Murray reminded the Council that at the May 24th meeting this matter was returned to staff in the hope of achieving a compromise between the Racquet Club and the neighbors on whether the perimeter wall should be masonry, wood or some combination thereof. The original plans approved by the Planning Department specified an all masonry wall.

Staff developed an amendment to the plan, that included a combination of wood and masonry. The neighbors and the project owner could not reach an agreement.

Keith Nesbitt, Chair of the Planning Commission, said he would prefer to get an accord from all the owners before he would recommend approval of a compromise.

Shannon Chatham said she still wants the six-foot masonry wall for privacy reasons and because it is more soundproof than wood.

Mike Weaver said he needs the masonry wall to keep the noise down. He said the cement wall would last longer than wood. The existing wood fence is in a "ramshackle" condition.

Robert Morgan said he bought his house with the understanding that a masonry wall would be installed. He said the club looks directly into his upstairs bedroom. He would not have bought the property otherwise.

Jack Drimmer, president of the Club, said where there is nothing, he will build a wood fence. The masonry wall would be built on the condition that certain phases of construction take place. Trees and landscaping would be provided in other areas.

Council Members were under the impression that where a wooden fence would be provided, it means a new fence, and not using the existing wooden fence. Mayor Maki said she felt she was misled.

Planning Commissioner Bob Snyder said there must be some kind of performance guarantee, so the residents would have recourse.

Council Member Hanley said it was important to build the wall now rather than in conjunction with other construction. There must also be an enforcement mechanism in place.

Council Member Sands agreed with Mr. Hanley. She said that otherwise we would be cutting corners.

Council Members Dowdin and Holmes agreed.

By **MOTION** deny the appeal and uphold the Planning Commission's approval of the Civic Design Amendment for the Auburn Racquet Club (File CD Amend 03-2) with the requirement to construct a block perimeter wall.

MOTION: Dowdin/Sands/Approved by voice

REPORTS

19. Quarterly Reports from Committees and Commissions

Continued

20. Informational Reports from Staff

Continued

21. City Council Committee Reports

Continued

COUNCIL BUSINESS

22. Airport Commission Ordinance – 2nd Reading

By **ORDINANCE 04-4** amend Chapter 2 of Title 5 of the Auburn Municipal Code by repealing Article 2, thereby abolishing the Airport Commission.

MOTION: Holmes/Sands/Approved 5:0

Second reading by title only by City Attorney Charles Wachob.

23. **Ordinance(s)/Policy(s) to Reduce Air Pollution**

Police Chief Nick Willick introduced the proposed idling ordinance and associated policies.

Council Member Dowdin said she preferred to wait until we see how well the county enforces this ordinance.

Council Member Holmes said he had concerns about enforcement. On the other hand, the council should take a leadership role on this air quality issue and set an example. He favored moving on with the ordinance, but taking a closer look at the policies.

Council Member Hanley favored holding a public hearing first and inviting the input of businesses, the Public Works Department and other affected departments like the Fire Department.

Council Member Sands felt it was important to pass the ordinance now. The Council can amend it later if needed.

By **MOTION** direct staff to set a public hearing to consider the idling ordinance. **MOTION: Hanley/Holmes/Approved by voice**

POLICY ON PURCHASE AND OPERATION OF LOW-EMISSION AND FLEET PROGRAMS.

Mayor Maki said she was not in favor of adding another policy. She said having a policy is redundant. The city is already buying low-polluting vehicles.

This item was sent back to staff to develop a new policy statement.

CONTRACTING PROGRAM

The Council did not want a contracting program.

Adjournment at 8:50 p.m. in memory of President Ronald Reagan.

Cheryl Maki, Mayor

Joseph G.R. Labrie, City Clerk